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Ms. General Assembly
House of Delegates
[Document A.]

BY THE HOUSE OF DELEGATES,

JANUARY 12th, 1852.

Read and ordered to be printed.

A N N U A L
MESSAGE OF THE EXECUTIVE
TO THE
GENERAL ASSEMBLY
OF
M A R Y L A N D .

JANUARY SESSION, 1852.

ANNAPOLIS:
THOMAS E. MARTIN, PRINTER.
1852.

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1852

HOUSE

ANNUAL MESSAGE.

*Fellow-Citizens of the Senate,
and House of Delegates:*

After a Legislative interval of two years, you have assembled, to counsel together, for the promotion of the honor and prosperity of the State. That it is a high privilege, you will cordially admit. To represent an ancient Republic, which was illustrious as a Colony, and still more so, as a participant in the trials and glories of the Revolution, which made us free, is, indeed, an honor worthy of any degree of personal eminence. I am satisfied, therefore, that you come to the discharge of your severe duties, with feelings chastened by a full consciousness of your responsibility. Under any circumstances, the meeting of the Legislature would be looked to, by your Constituents, with very great interest. But, this present session must, for many reasons, be viewed by them with extraordinary solicitude and expectation. The People of Maryland have been singularly favored, during the period, which has elapsed, since your predecessors were last convened within this Capitol. The land has teemed with the bountiful gifts of Providence. The People have enjoyed, in full measure, every temporal blessing, which the heart of man can possibly desire. And, whilst the Earth has yielded its richest fruits, and all Nature has ministered to the material wants of our Citizens, they have lived in perfect peace and fraternity, beneath the shadow of that noble edifice, which their Forefathers reared, as a heritage for the Sons of Freedom, of every land and generation. The contemplation of such happiness, and such a destiny, unexampled in the history of the world, beyond the limits of this Confederacy of States, should lift our hearts in gratitude to that Great and Merciful Power, in whom we live, move, and have our being.

The political condition of the State, also, affords us especial cause for gratulation. A great, yet peaceful revolution, the result of a long and bitter contest, has finally been accomplished. To those, who can look back to the exciting agitations of 1836, the present organization of the Body Politic wears a marvellous aspect. Compare the present with the past. Remember the storms, which raged around the brave hearts of the "GLORIOUS NINETEEN ELECTORS," and those, who united with them in resolute defiance

of old and uncompromising prejudices,—and, now, witness the serene sky, which looks down upon the work of their hands! Call to mind the fierce denunciations, which have so recently given way to cordial approval. See the measures, once denounced as revolutionary, agrarian, and destructive, now quietly going into operation, under the solemn sanction of the new Constitution. What a commentary is not this, to be sure, upon the folly of human extravagance and passion; and what a lesson to those, who, whether from fear or disinclination, may seek, hereafter, to check the onward march of liberal Institutions. I awaken these memories of the past, not that old wounds may be opened, nor, new ones inflicted; but, on the contrary, that we may all learn wisdom from experience, and store it up for future use. We shall, certainly, have need for all we can gather. In 1851, a new Constitution is adopted, by a popular majority of ten thousand, providing, as it does, for reforms, in every department of the Government, far more radical and extensive, than those, which were contended for by the Nineteen Senatorial Electors, in 1836, and which were *then* pronounced to be utterly subversive of the public liberties and prosperity. Consider this! And, let it be an everlasting memento.

It is not to be said that, this Constitution is perfect, by any means. In the progress of your legislation, you will find proof to the contrary. It will become your duty to fill up the chasms. That it might have been more complete, is very apparent. Whether or not, a large share of the blame of its imperfections is to be charged to undue opposition to its leading features, in the Convention, is a question which, no doubt, has already been correctly decided by public opinion. The delay, occasioned by stubborn debate, certainly caused unusual and injurious precipitancy, in the final action of that body, when the Constitution was put together as a whole. However, take it, with all its deficiencies, and it cannot be denied, that, it contains a full recognition of, and provision for every leading question of Governmental Reform, which has, for twenty years past, entered into the popular agitations; with the single exception of the representative basis. In regard to this great measure, I admit, the republican theory has not been adhered to; though, a nearer approximation thereto has been effected, than has ever, heretofore, been generally contended for, in the State at large. No one can doubt that, the future will remove this cause of complaint, as the past has already disposed of others, equally oppressive. Two features, alone, which I find in the Constitution, are sufficient to reconcile me to its imperfect mechanical construction; the denial of any power to the Legislature to interfere with the fundamental law; and, the periodical submission of this primal question of organic reform to the decision of the people only, at the ballot-box. Most of the inconveniences, complained of, will be temporary; as they are fully within the reach of legislation. Had the day, for putting the Constitution into effect, been postponed to a reasonable period after the close of this present session of the General Assem-

bly, so that, the necessary laws might have been first passed and promulgated, no complaint or cavil, whatever, would have been heard. As it is, these objections are but the faint murmurs of a receding storm; which, when once below the horizon, will be forgotten, in the brightness of the new day. The real inquiry is, not so much as to what are the merely architectural merits or demerits of the Constitution itself, but what use will the people make of this great extension of their privileges. They themselves are the most interested in the results; and, it is for them to answer.

In obedience to the requirements of the Constitution, I shall respectfully suggest some of the legislation, which I believe to be necessary. Before doing so, I take occasion to remark, that, I shall be obliged to draw largely upon your patience. It shall be my endeavor to avoid the discussion of useless matters; and, to express my views concisely. At the same time, I shall consider it to be my duty to say all, that may suggest itself to my mind as proper to be said, for the full elucidation of my different subjects. My labor is concentrated; your's will be divided; inasmuch as, the customary reference of the Executive message to appropriate Committees, for their intermediate action, takes from its dry detail much of the tediousness, incidental to such communications. You will remember that, you are about to re-organize the Government, under the new Constitution; and, that, therefore, many subjects must enter into this message, which have not heretofore engaged, and may not hereafter demand the attention of the Legislature.

The entire inapplicability of the existing election laws has been demonstrated. The multitude of offices, now made elective, produce a multitude of candidates. The election, in 1853, will add to the list innumerable Constables, Magistrates and Supervisors of County Roads. The manner and time of making the returns; the division of labor between the Judges; and their reasonable compensation, so as to insure the services of competent men, will form subjects for your early attention. I respectfully advise a complete revision of those laws. I will, here, advert to the too frequent and unnecessary delay, which occurs in the transmission of the returns to the Executive Department, occasioning, in many instances, serious inconvenience and embarrassment; and, often affecting other counties, besides those in default. A summary process should be provided, to enforce prompt returns.

Upon examining the Constitution, you will find that, tribunals have been established for the decision of contested elections, in some cases only; the others are left to your legislation. It will be necessary for you to provide, without delay, for those cases, which have been thus passed over by the Constitution. I have already received official notice of an intended contest, for the seat of one of the recently elected Judges of the Orphans' Court; and, as yet, there is no competent tribunal, in existence, to decide the question.

Article v. Sec. 2, provides that "all elections for State's Attorney shall be certified, and returns made thereof, &c., to the Judges

having criminal jurisdiction, &c., whose duty it shall be to judge of the election and qualifications of the persons returned; and, in case of a tie, &c., to designate which of the persons shall qualify, &c." This provision has been construed to dispense, (so far as relates to the election of State's Attorney,) with the general requirements of Article iv., Sec. 29, which ordains that, "*all* elections of Judges, and *other* officers, provided for in this Constitution, shall be certified, and the returns made, &c., to the Governor, who shall issue commissions to the different persons, for the offices to which they shall have been respectively elected," &c. I construed the fifth Article as simply intending to furnish the *certified evidence*, by which the Judge would be enabled to decide, in the event of a contested election, or to designate the officer, in the event of a tie; just as it is, elsewhere, provided that, the Governor shall send in the returns to the House of Delegates, in certain cases; whereupon, the House proceeds to consider and decide. Without this construction, Articles iv. & v. could not be reconciled; and, the State's Attorney would be the only non-commissioned officer, under the Constitution. I have, therefore, issued commissions to State's Attornies, as to all others. It can, in no manner, prejudice the rights of contestants, (should there be any,) inasmuch as, the Judge can go behind the commission, in this case, just as the House of Delegates can, in cases referred to their decision. A Senator or Delegate, though returned elected, and regularly sworn in, may nevertheless be ousted. Commissions, under the new Constitution, are merely the highest certificates of election, predicated upon the returns; and are not final. It would be well, however, that the Judges should be henceforth required, by law, after each election of such officers, to certify to the Governor the names of the State's Attornies elected in the several Counties of their respective Circuits, by a given day; before which, commissions should not issue.

The Constitution defines, with great clearness, the duties and powers of the Executive. There are, however, a few suggestions, which I desire to make, in relation to this Department. By the thirty-third Article of the old Constitution, the Governor was empowered to "grant reprieves or pardons, for any crime, *except in such cases where the law shall otherwise direct.*" From this submission of the Executive authority to Legislative control, sprung various acts of Assembly, some limiting, and others extending the powers of the Governor, in matters of pardon, reprieve, and the remission of fines, forfeitures and penalties. For example, by the acts of 1787, chapter 17. and 1795, chapter 82, the Governor was authorized to pardon, *on condition*, in cases of capital punishment; which was an enlargement of his discretion. Then again, the acts, which authorized him to remit fines, &c., frequently imposed limitations; such, for instance, as the proviso, contained in the act of 1782, chapter 42, relative to fines, the amount of which is made certain, by law, and not left discretionary with the Courts; where, it is required that, the Court shall recommend, upon a statement in

writing, before the Governor can remit the penalty. So, the payment of costs is made, by the act of 1832, chapter 155, a condition precedent to the granting of a *nolle prosequi*. Numerous other laws of a similar character might be referred to. When the new Constitution went into effect, it became a question of much practical importance, as to how far these various acts, and parts of acts, were continued in force, by virtue of the third Article of the Declaration of Rights, which recognizes all laws existing on the first Monday of November 1850. The new Constitution invests the Executive with full power to grant reprieves and pardons, except in cases of impeachment, *and in cases in which he is prohibited by other articles of that instrument*; and, to remit fines, and forfeitures, for offences against the State. This general grant is absolute. The Legislature can no more infringe upon it, than the Executive can upon the grants to the Legislature. It was clear, therefore, to my mind that, all acts of Assembly, restrictive of this general power, conferred by the new Constitution upon the Executive, stood virtually repealed. Whereas, the enlarging acts, being consistent with the Constitution, (which is silent upon the subject,) were continued in force, by the third Article of the Declaration of Rights; subject, of course, to future amendment or repeal by the Legislature. This being the case, in my judgment, I respectfully suggest a revision of all of these laws; and, the passage of a general act. I would also recommend, (as it has been omitted in the Constitution,) that, power be expressly given to the Executive to grant a pardon or *nolle prosequi*, *upon condition*, in any case; as he is now authorized, by law, to do in capital convictions. The ends of justice, and the requirements of public policy, often render an absolute pardon inadmissible, in certain cases; where, a wise clemency would dictate a mitigation of the severity of the judgment. This power cannot now be exercised, in cases less than capital, but by construction. The doctrine that, the greater contains the lesser power, is latitudinous in practice; and may occasion precedents dangerous to republicanism. All prerogatives should be clearly defined, by law, in a Constitutional Government. There are other improvements, which will be suggested to your minds, by a careful examination of the class of acts, to which I refer. As the Legislature has the power to declare what shall be considered crimes against the State, and to prescribe the punishment for each offence; so, likewise, it may ordain the conditions upon which that punishment shall be changed; excepting in so far as the Constitution itself has expressly conferred authority upon another Department of the Government.

The Governor is required, by the new Constitution, before granting a pardon or *nolle prosequi*, to publish a notice of the application made, and of the day, on or after which, his decision will be given. Without an amendment of the existing laws, the pardoning power will be, thereby, virtually abrogated, in nearly all cases of ordinary misdemeanors, where the period of imprison-

ment, by the custom of Courts, or the provision of law, is for a short limit, of ten, twenty, or thirty days. Before the usual notice can be given, the punishment has frequently been endured. The pardon comes too late. And yet, it sometimes happens, that, such cases, trifling as they may appear, involve the greatest degree of hardship and injustice, calling loudly for the interposition of the Executive. I, therefore, advise that it be enacted, that, upon notice of an intention to apply to the Executive for a pardon, filed in the Court, before which the party shall have been convicted, within a reasonable time after sentence, the execution of the judgment shall be suspended, upon renewal of bail, until the final decision of the Governor shall have been certified to the Court, or to the Clerk of the Court, during recess.

I would, also, respectfully call to your notice a severe grievance in the law, which demands a remedy. In prosecutions for larceny, it frequently occurs that, the property stolen belonged to different individuals, although taken at one and the same time. In such cases, several indictments are found; and, upon each, there is a distinct conviction and sentence. Thus, if a man steals two five dollar bills, which happen to be the property of two different persons, he will be separately indicted and sentenced for each; although, in fact, the culprit may have been, morally, guilty of but one larceny. Whereas, if the two bills had belonged to the same individual, the party would have been sentenced to one term, only, in the Penitentiary. It has, thus, happened that, a man, convicted of two small larcenies, has been made to suffer a longer punishment, than another, whose crime was really much greater in degree. This glaring inequality of punishment is not only unjust and cruel, but, it is productive of the most mischievous consequences. It brings the justice of the State into contempt. Hence, the Executive often feels it to be his duty to moderate and equalize the random sentences of the law; but, his reasons are not generally known to the public. He is, therefore, falsely judged by the Good; whilst, the Bad take courage for evil, from the supposed laxity of administration. It would be well to revise the entire criminal code.

It is, likewise, made your duty to adopt some simple and uniform system of charges, in the offices of the Clerks and Registers, throughout the State. This is a wise provision. There has, heretofore, been a considerable discrepancy in the various interpretations, put upon the acts regulating fees, by these officers, in the different Counties. It would be well, at the same time, carefully to revise the laws, which define their duties. The first section of the tenth Article limits the maximum compensation of all officers, in the State, (the Governor excepted,) to an annual income of three thousand dollars. I presume, by a liberal construction, this will be understood to mean, that sum nett, over and above all necessary expenses, (for clerk hire, &c.,) incurred. If this be so, then it will be expedient to throw guards around this provision of the Constitution; in order that, it may not be made nugatory, in prac-

tice. The design of this limitation is two-fold; first, to curtail exorbitant incomes; and, in the next place, to pour the surplus fees into the public Treasury. The number, and maximum salaries of subaltern employees should, therefore, be fixed by law. This can readily be done; as, the past experience of the different offices, under the old system, can easily be made to furnish you a basis for your calculations. Some reasonable latitude, to meet contingencies, may be allowed, which will not impair the efficacy of the restraints imposed. This precaution, superadded to the requirement of annual reports from the chief officers, under oath, of the gross amount of fees received, will constitute as perfect a safeguard, as the nature of the case admits of. It is, also, advisable to require that all Clerks of Courts, having the collection of the revenue from licences, should, annually, publish a list of the names of those, to whom such have been granted, during the year, for all purposes, excepting marriage; together with the specific amount received upon each license issued. This would be a reliable protection against fraud; exposure being unavoidable. On marriage licenses, the tax is specific; and, the Treasurer issues blanks, which are receipted for, by the Clerks. Although, it is not to be presumed that, any public officer would be guilty of a dishonest act; yet, it is the theory of our legislation that, all necessary checks shall be imposed. The great latitude, which exists in the present mode of collecting this important branch of the indirect tax, is a violation of that theory; and, with an unfaithful officer, might subject the State to heavy losses. Licenses vary in amount, according to the character of the business, and the value of the stock in trade. Under the present system of collection, there is no certain mode of ascertaining the amount actually received. Every thing depends upon the faithfulness of the clerk. This is a degree of confidence, which is not reposed, by law, in any collector of the direct taxes in the State; and, cannot be excused, upon the plea of necessity. You may judge of the importance of this recommendation, when I inform you that, the revenue, derived from licenses, (exclusive of those for marriages,) during the year 1850, amounted, in the aggregate, to the sum of \$114,263.95; and, for the year just closed, to the sum of \$129,765.42. I will, here, mention an inconvenience, which has been brought to my notice by the Treasurer. Some of these Revenue Officers are in the habit of postponing their final settlements, at the Treasury, until the last day of the fiscal year. The books of the Treasurer are, thereby, kept open and unposted; and heavy accounts are crowded upon him, at so late a period, as to occasion great delay in the arrangement of his varied and elaborate report. This inconvenience extends to the Executive; who is, thus, for an unreasonable time, deprived of the means of obtaining the financial information, which it may be necessary to use in the Annual Message. It may, perhaps, be well for you to consider the propriety of changing the fiscal year; which now terminates at a period, too near to the meeting of the Legislature.

The three Clerks of the Courts, in Baltimore City, divide the duties of the former two Clerks of the County and City Courts. Their bonds should be made to suit their present duties and responsibilities. In this connection, I most urgently recommend the adoption of an entirely different system, from that now in force, for the regulation of official bonds. In one case, (very recently closed, although of long standing,) the State lost upwards of ten thousand dollars, by the utter insolvency of a Collector of the direct taxes, *and all of his sureties*, excepting one. This one surety, alone, contributed, by the sale of his entire estate, to the payment of less than one-sixth of the whole amount due. The records of the Treasury will disclose to you other similar proofs of the inadequacy of the present regulation. It is not to be borne with, that, the taxes, wrung from the hard earnings of the people, shall thus be lost to their Treasury, through the defalcation of their Public Agents. Again, the bonds of the Officers of the new Treasury Department, should be approximated to the actual responsibilities of each current year. Not that, the penalty should cover the whole annual income of the Treasury; for, no such bond could, generally, be given. But, an estimate should be made of the cash receipts, periodically within their control, as the basis of their obligations. You are about organizing a new Treasury Department, which is to last for years; and, which is to receive, disburse and invest the vast and constantly increasing revenues, and sinking fund of the State. Hence, the policy of your legislation should be broad and prospective. Some provision should be made, for the ascertainment of the responsibility of sureties. The assessed value of a man's estate, is no true index of his real condition. His liabilities (of which he alone has full knowledge,) have much to do with the question of his solvency. Every practical man, in the community, is well acquainted with the exceedingly loose system, which now prevails in the approval of bonds; especially, in regard to the bonds of the ordinary Revenue Officers. I invoke your serious attention to this matter.

Article iv. Sec. 22, provides that, when a Circuit Judge, by reason of any interest, connection with either of the litigants, or former relations as counsel, is disqualified to sit in a cause, the parties may, by consent, appoint a proper person to try the same; or, any one of the Judges shall do so, when directed by law. Parties may not agree; and, hence, this contingency must be anticipated. Nearly one half of all the Circuit Judges, recently elected, have been hitherto, and until very lately, engaged, as counsel, in the trial or preparation of numerous cases, which are yet unfinished. Several of the Circuit Courts will shortly be in session; and it would, therefore, be well to enact the necessary law, as soon as possible. Similar difficulties, in regard to the Court of Appeals, have already been provided for, by the Constitution.

Doubts were raised as to my power to designate the Chief Justice of the State, in advance of the meeting of the Senate. I had

no doubts; and, accordingly, did so. I have, therefore, the satisfaction to inform you that the Judges of the Appellate, Circuit and Orphans' Courts are all commissioned; and that their several Courts are fully organized. Commissions have also been issued to all other Officers, elected under the new Constitution.

Much diversity of opinion existed, as to the proper construction to be put upon the eighth Section of Article vii. Almost every County has its own peculiar local laws, regulating the number, and mode of election of the Commissioners, or Levy Court; a species of legislation which cannot be too strongly condemned. In most of the Counties, the election has been, heretofore, by districts. Construing that part of the Article, referred to, which adopts the general ticket system, literally, and, as I believe, in strict accordance with its spirit and intendment, I have commissioned those, who were returned to me, as having received the highest number of the aggregate votes of their respective counties, without regard to *district residence*; and I have consulted the local laws, only to ascertain the number of Commissioners authorized for each County. You will allow me to remark, here, that much patient attention will be required, when you come to arrange the local authorities of the Counties, as you are directed to do, by the Constitution. County Commissioners, Justices of the Peace, Supervisors of Roads, and Constables, have a more immediate and constant official intercourse with the people, than all of the other officers of the Government together. In their competency and integrity, the great mass of our population is particularly interested. The number and compensation of these functionaries, should be so regulated, as, at all times, to secure the services of fit men; who, otherwise, might not be willing to incur the risk and trouble of an election.

The Treasury Department has been reconstructed, upon a higher and more rational basis. The office of Comptroller has long been needed. Too many and dissimilar duties have, heretofore, been imposed upon the Treasurer. For the future, he will be merely a Receiver and Accountant. The entire supervision and control over the finances have been devolved upon the Comptroller. In organizing the new Treasury Department, you cannot devote too much attention to detail. The duties of the Comptroller, especially those connected with the enforcement of the collection of the revenue, cannot be too specifically defined. This was, formerly, an Executive function. You will find, by reference to the annual reports of the Treasurer, for several years past, that many Collectors of the direct taxes, as well as other Officers, who collect the indirect revenue, have been, annually, found in arrear, to very large amounts. The arrearages of the direct taxes alone, unaccounted for, at the Treasury, were, in 1847, \$183,005.47; in 1848, \$575,682.17; in 1849, \$551,833.69; in 1850, \$557,793.20; and, for the last fiscal year, which closed on the first of December, \$647,153.71. Allowing two years for the collection of one year's tax, (which, in the present flourishing condition of the State, and in view of the

willing disposition manifested by the tax-payers, is a sufficient indulgence to collectors,) we will, still, find that, a large proportion of the arrears of the direct taxes, in that period, were due for a longer time than two years. Thus, in 1847, \$92,374.71 of the aggregate arrearages were due for the years back of 1846; in 1848, \$169,760.56, for the years back of 1847; in 1849, \$174,582.64, for the years back of 1848; in 1850, \$191,282.08, for the years back of 1849; and, in the year just closed, \$217,659.42, for the years anterior to 1850. Although, suits have been instituted in some cases, still it will be perceived that, the arrearages are increasing annually. No good reason can be assigned for this state of things; and, it should not be permitted to continue. In many instances, the money has been collected from the tax-payers; and, in most other cases, the failure to collect can be traced, rather to the inefficiency of the Collector, in default, than to any serious indisposition to pay, on the part of the People. It is right and proper that, the tax-payer should not be oppressed, by forced collections; and, therefore, the Comptroller should have some latitude of discretion, in his intercourse with the Collectors. Nevertheless, it is absolutely necessary that, this loose system should be remedied. A stricter rule can work hardship to no one; and yet, by insuring prompt payments into the Treasury, it will prevent many losses, which delay often occasions, through the insolvency of collectors and their sureties. I, therefore, advise that, it shall be made the duty of the Comptroller to put in suit the bonds of Collectors of the direct tax, for all arrears due for a longer period than two years. Within that time, the Comptroller will have sufficient scope, for the exercise of a sound discretion; whilst, the very existence of such a peremptory regulation will be a standing monitor to Collectors, and a stimulus to them, in the performance of their duty. In regard to defaulting Clerks, Registers, and other Receivers of the indirect revenue, I recommend a much more stringent provision. They have no excuse. They are only responsible for what they receive, and have little or no difficulty in collecting it. Neither, does any reason of public policy call for indulgence to them. The limits of an Annual Message will not allow me to enter further into detail. There are many points, to which I am disposed to advert; but, which, for the present, must be passed over. I will simply remark, in concluding this branch of my subject, that, although the Constitution appears to have very carefully defined the powers and duties of the Comptroller, you can, nevertheless, gather many new and valuable suggestions, from the laws of neighbouring States, (especially New York and Pennsylvania,) which regulate this department of their respective Governments.

Your attention is respectfully called to the twentieth Section of Article iii., which prescribes the manner of making moneyed appropriations. A very loose practice has, sometimes, prevailed, occasioning much embarrassment. Special duties have often been imposed upon the several officers of the Government, and no appro-

priation has been made to defray the expenses necessarily incurred. Not unfrequently, clauses, appropriating money, are so ambiguous, that, the object of the law is in danger of being defeated. The Executive contingent fund, which is intended for other purposes, has thereby been made to assume unusual burdens. One case, illustrative of others, calls for legislation; and I, therefore, mention it. The act of 1849, chapter 209, evidently contemplated an increase of the fund for the education of the indigent Blind; but, made it chargeable upon "*the interest accruing upon the surplus revenue*;" and, at the same time, repealed all pre-existing laws, relative to this public bounty. The "*surplus revenue*," properly speaking, was that, which had been distributed to the State, (in common with the other States of the Union,) by the General Government; and which, in pursuance of the requirements of the act of 1839, chapter 33, had, at an early period, been applied to the payment of the State debt. My immediate Predecessor, therefore, viewed the act of 1849, chapter 209, as inoperative; and, with a commendable regard for the manifest intention of the Legislature, he drew upon the Executive contingent fund, for the means to defray the current expenses of the present Beneficiaries of the law. I considered the matter in a different light. A part of the interest annually accruing upon the surplus revenue, (whilst in existence,) to the amount of \$34,069.35, had been devoted to the common schools, subject to the charge of \$1,000 per annum, for the education of the indigent Blind. The same law, which subsequently diverted this fund, from the common schools, to the payment of the State debt, also created a substitute for it, (arising out of the proceeds of the capitation tax upon the Washington branch of the Baltimore and Ohio Rail Road;) and this substituted fund was likewise charged, as the original fund had been, with the appropriation for the Blind. In a word, the School fund remained the same, in all respects, excepting only as to the source, from which it was thenceforth to be derived. Hence, it has always been denominated, by the Treasurer, in his annual reports, the "*surplus revenue*," being so, in fact, by substitution. I could not conceive it possible that, the Legislature was unacquainted with the fact, that, the surplus revenue (proper,) had been already absorbed, in payment of the State debt; and, therefore, I presumed that, in using the words "*surplus revenue*," in the act of 1849, they intended to designate the substituted fund. I, accordingly, paid the liabilities on this account, in the usual way. I now recommend a declaratory law.

It will be necessary for you to revise the law imposing a tax on civil commissions, so that, it may be made to suit the new order of things. Some of the present commissions are taxed too much, others too little, and some not at all. Very material changes have been made, in the offices of the State, by the Constitution; which will render a new scale of taxation altogether proper. In this connection, I would respectfully call your attention to a prac-

tice, which has heretofore obtained, in respect to Executive appointments; and, for which, I can see no just reason. An examination of the original act, imposing a tax on civil commissions, passed at December session 1843, and its several supplements, will, I think, satisfy you that, it was the intention of your Predecessors to fix a reasonable charge, proportionate to the tenure and value of each office. You are aware that, when a vacancy is filled, during the recess of the Senate, a commission issues, which must be renewed, so soon as the appointment shall have been confirmed by that Honorable Body. In accordance with the strict letter, but, as I conceive, against the spirit of those laws, the full tax has been exacted, hitherto, upon each commission; although, the first was issued for only a portion of the term of a previous incumbent, who had already paid the tax upon the whole. A rateable payment, merely, should be required.

The Constitution has obliterated from the Statute Book that relic of ancient barbarism,—imprisonment for debt. Why? First, because it was inhuman, to incarcerate a man, on account of his misfortunes; and secondly, because his confinement only rendered him the less able to meet his obligations. This latter very excellent reason is practically annulled, by the operation of the existing attachment laws. As soon as a poor debtor's weekly wages fall due, some watchful creditor is there to seize upon them. Thus, the honest laborer, striving to lift his head above the waves of despair, is periodically re-plunged into the most abject despondency. Perhaps, a little time, and a cheering word would have enabled him to pay, out of his hard earnings, the debts of misfortune. But, no! his spirit is crushed by continual pressure. No chance is given him to recover his equilibrium, before another blow dashes him, hopelessly, to the earth. Modify the attachment laws; without, if possible, enlarging the opportunities of fraud. But, modify them, any how. Let not the innocent suffer, for the guilty. Enact laws, of any degree of severity, to punish the swindler; but, take not from the mouths of an honest debtor's children the bread, whereby they live. Let credit be given more upon personal character. That is the proper basis for it. The man who trusts his goods or money, upon any other principle, generally leans upon the slender reed of speculation. He makes; or, he loses. After all, prudent Capital has only to fear that description of men, who, even under the old system, never failed to elude justice, by over-leaping the barriers of conscience and the law. I regard this case as fully within the spirit and intendment of the thirty-ninth Section of the third Article of the Constitution; but, I have called your attention to it, because a different view is entertained by those, whose judgment is entitled to respect. This may be the proper place for an allusion to a kindred subject; which is of paramount importance to the welfare of the working classes. I have reference to the regulation, by law, of the hours of labor. This question has engaged the attention of the ablest philanthropists of the Age; and

is well worthy of your consideration. I am not unaware that, practical difficulties surround it, upon all sides. It is understood and admitted that, a system of regulated labor, which might be well adapted to some particular trades, would prove ruinous in other occupations. But, it is equally well known that, in those departments of labor, which are uniform and systematic, the principle can be advantageously applied. The routine of a factory varies materially from the uncertain employments of agriculture. A rule of labor, which would be impracticable, perhaps, to the farmer, is not necessarily so to the mechanic. The only question properly to be considered, is, can this great industrial reform be accomplished? I think it can; and I, therefore, urgently press it upon your consideration. No one will deny its intrinsic justice. It is the right of the poor man, that, Society and the Laws, to the support of which he so largely contributes, shall afford him the necessary opportunities for bodily refreshment and mental cultivation.

The Militia laws of the State are absolutely valueless. I cannot too strongly press upon your notice the necessity of a complete re-organization of the whole system, as contemplated by the Constitution. The Legislature has, invariably failed to accomplish the desired reforms, for want of the proper information as to details. I think it would be judicious to consult the opinions of the most experienced military men, in the State; which could readily be effected, through the medium of a committee of conference.

There is but one other matter, suggested by the Constitution, upon which I intend to remark; and that, briefly. It is, the selection of Commissioners to codify the laws, and to simplify the forms of pleading. This, you will allow me to say, Gentlemen, is one of your most important duties. What can be more essential to the interests and convenience of the People, than to have the legislation of more than a century reduced within the compass of an accessible and intelligible digest? And, what intellect, free from the cobwebs of the ancient formulæ, can fail to appreciate the immense advantages, to be derived from the repudiation of all of the absurd verbiage and technicality, which have so long encumbered the practical administration of the laws? In the selection of those, who are to do this work, let me conjure you to act with impartial discrimination. Permit me, also, to remind you, that the services of competent men cannot be secured, without a liberal compensation. You will bear with me, if, in this connection, I make one other observation, before I close. The heaviest portion of all that is to be done, in obedience to the injunctions of the Constitution, will fall to the lot of those Commissioners. They cannot report to you, at this session, as is perfectly manifest. You have, therefore, very little more than the labor of an ordinary session before you. I need not remind you that, the cost of the Convention far exceeded the utmost calculations of the people. You will pardon me, if I take the liberty to urge dispatch and a wise economy, in the discharge of your duties.

The Public Works of the State are in a flourishing condition, by comparison with former years. My Predecessors have so thoroughly exhausted prophecy, in their contemplation of the destiny of those vast enterprizes, that I shall not enter upon the field of speculation. Suffice it to say, that, in the main, I concur in opinion with them; and that I find nothing, in the events of the past year, to shake my confidence in the future realization of the prosperity predicted.

We learn, from the last annual report of the Baltimore and Ohio Rail Road Company, that, the Board has declared a dividend, in stock, of 7 per cent., notwithstanding that the large sum of \$531,209 had been added to the capital stock, in the preceding year. This dividend is equal to $9\frac{1}{2}$ per cent. upon the original capital of \$7,000,000, represented by that part of the road, which is completed to Cumberland, and which alone contributed to the profits of the year. The nett earnings, on the main stem, for the last year, are shown to have been \$653,303.55, being \$80,912.87 less than those of the year previous. This decrease is attributed to causes, which are temporary in their nature. The road is steadily progressing to its western terminus. The ratio of its productiveness is not to be calculated by the measure of its extension, from point to point. Sparsely settled forests and barren mountains cannot fill its capacity. It is upon the banks of the Ohio, alone, that it can find a trade equal to its capabilities. The inexhaustible wealth and energy of the great West must supply that; and will. In July last, the road was opened to the Piedmont station; and, since then, trains have been regularly running to beyond the crossing of the Youghiogheny river, fifty-five miles west of Cumberland. The Cheat river was to be reached, according to the estimate of the Chief Engineer, by the first of December last; and the road finally completed to Wheeling, by the first day of January next. Under a charter, granted by the Legislature of Virginia, at its last session, an independent Company has been formed, for the construction of a road, to connect Parkersburg with the Baltimore and Ohio Rail Road, at a point, 281 miles distant from Baltimore city. It cannot be doubted that, this new enterprize will be accomplished, at an early period; when, we shall have every reason to look forward, with certainty, to a continuous rail road communication, by almost a direct air-line, between the Cities of Baltimore and St. Louis. The 5 per cent. sterling bonds of Maryland, loaned to this Company, to the value of £720,000 (\$3,200,000,) have all been negotiated; principally, within the last two years. The readiness, with which large amounts of those bonds were disposed of, very clearly indicates the stability of the credit of the State. The Company has recently effected sales of \$1,128,720 of its coupon bonds. It would appear, from these negotiations, and the estimates in the last annual report of the Board, that no apprehension is entertained, in regard to the financial resources, necessary for the prosecution of the work. From assurances, very lately given to

me, by the distinguished President, I feel justified in announcing to you that, there is every probability that, the Road will be finally completed, at the time designated by the Chief Engineer.

The Washington branch of the Baltimore and Ohio Rail Road realized, during the past year, \$162,854.59 of nett earnings. A semi-annual dividend of 4 per cent. was declared on the 30th of September last. The receipts into the Treasury, on account of dividends from this Road, for the past year, amounted to \$44,000. It yielded, also, in that period, on account of the tax upon passengers, the sum of \$57,223.73, being an increase of \$4,701.76 upon the receipts, from the same source, in 1850, and \$5,203.96 more than was received in 1849. From the general data, which I have so briefly communicated to you, you can form your own judgment of the present condition and future prospects of this great Work. I cannot close these remarks, without paying a just tribute to the public spirit and indomitable energy, which mark the proceedings of this Company.

The Chesapeake and Ohio Canal was opened, for navigation, from the District of Columbia to the town of Cumberland, on the tenth day of October, 1850. Thus, after twenty-two years of most unprecedented difficulties and misfortunes, which grew darker and thicker, as it dragged its slow length along, this stupendous Work has reached its destination. To the untiring perseverance and self-sacrificing devotion of those, who have, for a few years past, conducted its affairs, and supervised its operations, a very large share of the credit of its success is justly due. We all remember the time, when, through ill-advised counsels, it was upon the eve of being abandoned to its fate, as a hopeless undertaking. Millions of dollars had been swallowed up in the vortex of its necessities; and the people of Maryland shrunk back appalled, at the fearful debt, which they had incurred, in its prosecution. The argument, finally, resolved itself into a brief and conclusive one. Either hope on, and advance; or despair, and forever abandon the vast capital already invested. Maryland, wisely and bravely, adopted the former of the embarrassing alternatives. The first result is now before us. How far relief may come out of it, time alone can show. I shall not venture to fix the day, nor the year; nevertheless, I do not hesitate to express the decided opinion that, the ultimate success of this work will answer the expectations of its friends. As long as the Allegany Mountains stand; and, as long as there is capital to develope, and a growing population, in this country, to consume the principal staples of iron and coal, I can never despair. The necessities of commerce and society will produce the same results here, as elsewhere. For the present, we must rest satisfied with small beginnings; remembering that, the great works of Art, like those of Nature, are of slow growth, in just proportion to their magnitude and durability.

In pursuance of the act of 1844, chapter 281, this Company issued its bonds, to the full amount limited, (viz: \$1,700,000;) with

which, alone, (wholly unaided by cash means,) they closed a contract, on the 25th of September 1845, for the completion of the Canal to Cumberland, upon a consideration of \$1,625,000, to be paid in those bonds, at par. Out of this amount, the Contractors engaged to pay the sum of \$100,000, in cash, to the Company, for the liquidation of land claims, and other incidental expenses. After repeated failures, the Contractors finally succeeded in making an arrangement, for the negotiation of the bonds; but, at such ruinous rates of discount, as to lead, ultimately, to the abandonment of the contract, first by them, and afterwards, again, by their Assignees. A new contract, for the completion of the work left undone, was entered into, on the 18th of July, 1850, upon a consideration of \$21,000, payable in bonds at par, and \$3,000 in current money, derived from bonds cashed, under their contract, by the first Contractors. Of the aggregate amount of \$1,700,000, consumed in the completion of the Canal from Dam No. 6 to Cumberland, \$61,500 were paid on account of interest on the bonds themselves, up to January 1850, inclusive; and, the entire residue was absorbed in the cost of the Work, and the expenditures incidental thereto. From which, it will be seen that, the estimates, upon which the act of 1844 was based, left nothing to spare. Contemporaneously with the extension of the Work, it became the policy of the Company to prepare the old line for the anticipated increase of trade. It, accordingly, obtained, from the Legislature of Virginia, an act, passed on the 15th of March 1849, which guarantied its bonds to an amount not exceeding \$200,000; to be applied to repairs below Dam No. 6. Out of the proceeds of those bonds, \$174,123.82 had been disbursed, at the date of the last June report, for that purpose; leaving, in money and bonds, (inclusive, I presume, of the small premium realized upon those already sold,) the sum of \$26,271.01, the whole of which, it was estimated, would be required for the completion of the repairs. They were advancing rapidly; and the report gives us the assurance that, "by the close of the present year (1851,) they will have been so far completed, as to leave but little apprehension for the future safety of the works, and the maintenance of uninterrupted navigation." From the present exhibits of this Company, we can form no opinion whatever, as to the extent of its transportation hereafter. The uncertainty and doubt, which so long hung around its progress, intimidated capital, and restricted its trade within exceedingly narrow bounds. The report informs us that, the number of boats (of which, heretofore, the supply has been very limited,) is gradually increasing; and that, we may confidently hope for a greatly augmented trade. Before Maryland would consent to the postponement of her prior liens, to the amount provided for, by the act of 1844, she imposed a condition precedent, requiring that, one or more of the incorporated Companies of Allegany County, or other Corporations or individuals, should guaranty, by ample moneyed security, an average annual transportation of 195,000 tons of tonnage, upon the entire line, from

Cumberland to Georgetown, for five years, dating from the end of six months after the completion of the Work. Although, the Canal was opened for navigation, as I have said, on the 10th of October 1850, it was not entirely finished, nor was the final payment made, until the 17th of February 1851; which last day is claimed by the Board, in their report of the 27th of the same month, as the period, from which the completion should properly date. If this be correct, then, the limit of six months expired on the 17th of August 1851. I have received an official communication from this Company, of the 26th December last, from which it appears that, between the 17th August and the 17th November 1851, (the first quarter, under the limit,) 28,211 tons of coal were transported, from Cumberland to Tide Water. The whole quantity transported to various points, from January 1st, to November 30th, 1851, amounted to 77,049 tons; which, with the estimate for December, would swell the aggregate, for the year just ended, to 82,049 tons. The whole tonnage of all articles transported, for various distances, ascending and descending, from January 1st to November 30th last, was 186,350 tons; to which add the estimate for December, and we have, in round numbers, a transportation of 200,000 tons for the year 1851. Of this amount, the "*equivalent tonnage*" (as it is claimed,) for the entire length of the Canal, is estimated at 121,000 tons; or, 74,000 tons less, than the annual average, required by the act of 1844. The amount of tolls collected, up to November 30th, was \$102,692.11, and the estimate, for last December, \$7,307.89; giving an aggregate, for the past year, of \$110,000. From this statement, you will be able to form a very imperfect calculation of the probable results of the ensuing four years, dating from the 17th of August next; at the expiration of which, the average annual transportation, for the five years, will have to be ascertained. I think that, no good cause exists, to doubt the entire fulfilment of the condition imposed by the act of 1844. On the contrary, I am assured that, the Company has reason to expect a coal transportation, alone, of three hundred thousand tons, during the current year; and that the boats, already upon the Canal, and built, are sufficient to transport that quantity.

There is another matter, which has given rise to much speculation, and contrariety of views. I will refer to it, briefly. On the 27th of November last, the Board of President and Directors proposed to the Mining Companies of Allegany County, a reduction of tolls to three mills per ton per mile, "on condition of a satisfactory guaranty being given by said Companies, for the transportation of not less than three hundred thousand tons of coal or coke, during the year 1851, for the entire distance between Cumberland and Georgetown." They further offered to reduce the tolls to two mills per ton per mile, for the year 1852, upon a similar agreement for the transportation of six hundred thousand tons. At that time, the rate of tolls was five mills per ton per mile, for the first twenty miles, and four mills per ton per mile, for each additional mile.

The Companies failed to close the agreement; and these propositions were, consequently, abandoned. The toll was, on further consultation between the parties, reduced to two and a half mills, upon the mere assurance of the Mining Companies, that they "would invest large sums in boats and equipments, for the transportation of coal." This reduction, predicated, seemingly, upon no substantial equivalent, has been attributed to a spirit of injurious rivalry. If time should prove it such, it would merit and receive the most unqualified condemnation; and would demand the prompt interposition of the Commissioners of Public Works, in obedience to the express requirement of the Constitution. It is to be considered by you, however, how far the avowed policy of the Company should, first, be fairly tested. The Board clearly intimates that, the arrangement was made, as a temporary inducement to Capitalists; who, it is to be presumed, when once fairly embarked in the trade, with a growing market before them, and facilities daily increasing, will not complain of, because they will be better able to bear with a higher and fairer rate of tolls. I am not prepared, neither is it necessary, to give a definite opinion upon the wisdom of this policy. But, may it not be well, to permit it to continue, for a sufficient time, to test the value of the experiment. It is clear, that the Canal can never shake off the weight of its debts, and afford relief to Maryland, until its utmost capacity shall have been taxed, by the full developement of the coal trade. To tempt Capital into that channel of our commerce, and to settle it there, is, very evidently, the last hope. When the current shall have once set in that direction, it will not be easily thrown back. As to this fear of "*injurious rivalry*," between the Canal and Rail Road, for the possession of the coal trade, I may be in error, but I have ever regarded it, and look upon it still, as a phantom. Neither of those Works was, originally, projected, with a view to that trade. Each stretched out its ambitious arm, to grasp the wealth of the Ohio Valley. Hence, the corporate name that each now bears. The destiny of the Canal has emerged from the gloom of its mountain terminus. That of the Rail Road still beckons it on, to the consummation of its first hope. Each must pursue its exact sphere. I can readily understand that, the Rail Road should, now, gather in all possible revenues, from every source, wherewith to hasten on to the land of promise. The coal trade, therefore, has been, and will continue, for a time, to be a prize, worth contending for. But, I do not believe that, hereafter, when this great line shall have connected with the Works of Ohio and Missouri, and fixed its eye upon the Pacific, as the only terminus deserving of its ambition, that the coal trade, at 7 per cent. profit, will be considered any part of its destiny. This may appear to be a very remote contingency. It is not quite as unanticipated, however, as were steam-navigation and the electric telegraph, half a century ago. Years, in the history of a State, have no relation, comparatively, to years in the life of an individual. And, therefore, whether it be, in ten

years, (as I think it will,) or in thirty, the time must, nevertheless, certainly come, when the natural laws of commerce will obviate all necessity for the interposition of the Board of Commissioners of Public Works, between these two great Companies. Whilst the impetuous train shall hurry along the traveler, and light transportation requiring despatch; the slow-motioned canal boat will wind its way, leisurely, freighted with the heavier commodities, which are suited to its construction; and, which are, more or less, independent of time, and the fluctuations of the market.

It is a source of much satisfaction to me, to be able to inform you of the growing prosperity of the Baltimore and Susquehanna Rail Road. The Exhibit, made by this Company, for the past year, is as creditable to the able Officers, who direct its operations, as it will be gratifying to you, and the public generally. Its course is onward. When we reflect that, in 1847, its stock was quoted at five dollars per share; and, that, it now stands at thirty-seven; we have a certain index to its progress. Neither, has this advance (at the rate of \$6 per share, per annum, in five years,) been sudden, and, therefore, unreliable; but, it has been, on the contrary, gradual, and never retrogressive. The gross receipts, for the last year, were \$349,874.78; being an increase of \$65,278.06 over those of the year previous. Of this increase, over 14 per cent. accrued upon passenger travel; and over 27 per cent. upon tonnage; making $22\frac{1}{2}$ per cent. on gross receipts. The nett revenue was \$120,973.88; or, 35 per cent. of the gross income. To the insufficiency of the Company's Road Stock, and the consequent extensive transportation in "*Individual Cars*," is attributed the large per centage of expenses, as compared with receipts. It will be perceived that, the nett revenue, for the year 1851, exceeded the annual interest due the State, (which is \$112,922.72,) by the sum of \$8,051.16. The interest, for three quarters of the year 1851, (up to the 1st of October last,) has been paid, amounting to \$84,692.04; which would appear to leave, in the hands of the Company, an excess, on nett receipts, of \$36,281.84; out of which, to pay the quarter's interest, due the 1st of January, instant. But, I am informed that, that apparent excess has been reduced, by the payment of \$5,000 to arrears of interest, for the year 1850; and that, the whole, or the larger portion of the balance has been consumed in necessary expenditures, which are accounted for, in the last annual report; a copy of which I have not, as yet, received. I have obtained no assurance that, the interest, for the quarter just closed, can be paid, out of the proceeds of the last year's operations. But, as the fiscal year of the Company closed on the 30th of September last, the receipts of October, November, and December, must be taken into account. We have, therefore, cause to hope that, all, or nearly all of the interest, for the year 1851, will be liquidated. During the fiscal year 1850, the sum of \$75,000 was paid to the

State, on account of interest. The increase, therefore, for the year just ended, amounted to \$9,692.04; which, of itself, affords reliable evidence of an advancing prosperity. I think that, this Work has done well; as far as I am enabled to judge, from the partial information obtained. And, I have every reason to believe, looking to the developments of the Pennsylvania Works, with which it connects, that, its future productiveness will be largely augmented.

Inasmuch as, the fiscal year of the Susquehanna and Tide Water Canal Companies ends on the 31st of December, I have not been able to obtain information, in regard to their affairs, of later date than that, furnished by the Annual Report of the President and Managers, made to the Stockholders, in May last. The President was unable to furnish me with an estimate of the last year's operations. The current interest, due the State, in the year just ended, has been discharged. They have paid, upon account of interest, in 1850, the sum of \$67,000; and, in 1851, \$67,500. The Report, of May 1851, gives the assurance that, the Canal is in excellent condition. The "comparative statement of the receipts for tolls, since the Canals were opened," rendered as of the 31st December, 1850, to be found in the Report referred to, shows a gradual and steady annual augmentation of revenue. The very small increase, for the year 1850, is accounted for, by satisfactory reasons, given in the report. This Corporation, like the Baltimore and Ohio, and the Baltimore and Susquehanna Rail Road Companies, gives encouraging hopes for the future; at least, in so far as, the financial interests of Maryland are concerned. And, it is in that connection, especially, (as you will hereafter observe,) that, I have desired to treat of their prospects, in this communication. They bear two relations to the State; one general, and the other special. Maryland, of course, feels deeply interested in the development of her wealth, and the increase of her population; to both of which results, her Internal Improvements so largely contribute. But, it more immediately concerns her, *now*, that these Companies may become, or continue, able to pay their respective proportions of the interest on the public debt, which was incurred, for the construction of their several Works. There is yet another hope. One, fondly cherished by the people. It is, that, the day may soon come, when the State shall derive *an income of profit*, from her investments, as stockholder, in these Works; and, when a munificent system of *free education* shall be established, in obedience to the voice of the Age.

What I have said, concerning the Public Works of the State, is intended as a mere index to that more minute examination, which it will be your duty to give to their present condition, and their prospects for the future. Without a thorough understanding of the relation, which these enterprizes bear to the financial policy of

Maryland, it will be impossible for you to estimate, with any degree of certainty, the extent to which that policy may be safely modified hereafter. I shall, now, proceed to consider the fiscal operations of the past year; and, to recommend such measures as I believe the monetary condition of the State will fully justify. Before doing so, however, I must ask your indulgence, whilst I give a rapid preliminary sketch of the history of the Treasury, for the last ten years. I shall deal only in general facts.

We gather from the Executive message to the General Assembly, at the December session, 1842, that, the amount of the public debt, the interest of which had to be provided for, was ten millions of dollars—that, the annually accruing interest thereon was six hundred thousand dollars—that, in making provision for this enormous charge, no calculation could be based upon any revenue, but that derived from the direct taxes; the Treasurer being satisfied that, the income from all other sources would not exceed the amount required to defray the ordinary expenses of the Government—that, of the whole amount of direct taxes, for the years 1841, '42, levied under the acts of April and December, 1841, and payable, by instalments, by the first of March, 1843, the Treasurer had received only the sum of \$262,994.52; leaving an uncollected balance of \$622,386—that, if the whole of this last named amount (when collected,) should be appropriated to the payment of the interest then in arrear, there would still be left the sum of \$237,270 of arrearages of interest, chargeable on the assessment of the succeeding fiscal year—and, that, adding the anticipated deficit of \$600,000, for 1843, to the arrears of interest just stated, and deducting \$491,877, the revenue expected from the direct tax, for the same year, there would still remain a balance of \$345,393, in arrear, to be provided for. So, also, we learn from the same source, at December session, 1843, that, during the fiscal year then just closed, the aggregate debt of the State, (inclusive of arrearages of interest,) had increased from \$16,071,079, to \$16,376,657.95—that, the annual demands against the Treasury, (over and above receipts from all the Internal Improvement Companies,) were for \$626,821.16; which, when added to the arrears of interest on the principal debt, (amounting to \$1,171,872.97,) would swell the current charges against the Treasury, for the year then commenced, to the sum of \$1,798,694.13; for the payment of which, provision was to be made—that, the existing laws, even if faithfully executed, could not be expected to furnish to the Treasury a larger sum than \$450,000 per annum—and that, without an income largely beyond that estimate, to be procured by the imposition of additional taxes, the interest, in arrear and accruing, would create a deficiency of \$1,348,694.13, at the expiration of that year. The finances of the State, at the close of the fiscal year 1844, were still in a declining condition. The unpaid interest had increased, in twelve months, from \$1,171,872.97 to \$1,450,961.51. Between the 1st of December 1842, and the 1st of December 1844, the enormous sum of

\$591,305.51 had been added to the arrearages; whilst the tendency of the public credit was still downwards. Such is a condensed statement of the financial embarrassments of Maryland, in the darkest hours of her trial. During the most of that period, resistance to the tax laws was frequent. The burdens were new; and, therefore, restlessly borne. Some openly advocated the right and duty to repudiate; whilst others, more faithful, or less bold, submitted gloomily. Many of the coercive enactments were a dead letter upon the statute book. The repeated failure of the Legislature to meet the exigencies of the Treasury, by the vigorous enforcement of existing, and the passage of additional tax laws; and, the growing evidence that, the whole revenue, contemplated by those laws, even if realized, would prove insufficient to keep down the annually accruing interest upon the principal debt, very naturally disheartened the people, and rendered them less disposed to submit to their burdens. The delinquency of some Counties gave a pretext to others. And, thus, the whole system was fast becoming disjointed and powerless. But, the darkest hour was nearest the dawn. A propitious day was about to break upon us. The ignominy, brought upon other States, by the disavowal of their pecuniary obligations, warned Maryland of the dangers, which threatened her own integrity. The strong good sense and sterling honesty of the People triumphed; and, the spirit of repudiation hid its diminished head. Encouraged by the decided manifestations of the popular sentiment, in favor of justice, and against dishonor, the Representatives of the People no longer feared to encounter the responsibilities, which are ever inseparable from high moral obligations; and, at their December session 1844, they adopted the wise and intrepid suggestions of the Executive, as contained in his inaugural address, delivered before them, in the month of January, 1845. Various additional revenue laws, recommended by him, were enacted, at that session, to supply the growing wants of the Treasury; and, from that period, we date the reaction and rapid recovery of our financial system. At the close of the fiscal year 1845, one year's entire interest had been paid; besides, \$55,363.31, on account of arrears; and, a surplus of \$199,412.16 still remained in the Treasury. The refusal of the Legislature, at the session of 1845, to fund the arrears of interest, and to assign a day for the resumption of prompt payments, proceeded solely from a want of sufficient confidence in the future productiveness of the new tax laws. They had not, in the opinion of a majority of that Honorable Body, been, as yet, fully tested. It was therefore, apprehended that the State might possibly be again compelled to suspend payment; a contingency looked upon, as being more disastrous, in its consequences, than continued non-resumption. Another suspension, it was argued, would be viewed as an avowal of permanent bankruptcy. Even in the face of these fears, a bold few urged on resumption, to the last. The session of 1845 was, nevertheless, one of vigor and good faith; and valuable addi-

tions were made to the revenue list. The results of the next fiscal year strengthened the public confidence. On the 1st of December 1846, the report of the Treasurer exhibited the gratifying fact, that, in the year then ended, \$732,289 had been paid out; being \$76,868.83 over and above the amount of one year's interest on the principal debt; and, leaving in the Treasury a surplus of \$147,913.41. This unexpected exhibit proved to be an irresistible argument. The Legislature passed a law, fixing the first day of January 1848, as the period for resumption. At the close of the fiscal year 1846, the arrears of interest did not exceed \$1,299,922.33; and the Executive, in his annual message, estimated the arrearages to be funded, at \$1,200,000. In December, 1847, he had the proud satisfaction to be able to inform the Legislature, that, the amount actually remaining to be funded, on the first day of the following month, would fall short of \$900,000. This, properly, constitutes the second epoch in the history of the re-action. The balance in the Treasury, on the 1st of December 1847, was \$328,499.46, (of which the sum of \$227,220.31 was applicable to future demands;) after \$926,666 had been paid towards the interest upon the public debt; besides, \$267,786.13 disbursed upon other accounts. On the 1st of December, 1848, there remained a surplus of \$315,945.32, (of which, the sum of \$280,829.47 was applicable to future demands,) after paying \$742,331.60 on account of interest, and \$270,794.83 for other demands. At the close of the fiscal year 1849, there was a clear balance of \$427,892.96, after paying \$715,555.95 for interest on the public debt, \$260,307.81 for funded arrears, and \$170,628.40, for other purposes. The report of the Treasurer, for the fiscal year 1850, shows a surplus of \$211,035.42 applicable to future demands, after disbursing \$690,846.36 to current interest, \$500,509.09 for redemption of funded arrears, and \$276,114.91 upon general account. It appears from this last statement, that, the actual surplus, over and above current interest, and all other demands for the year, would have amounted to \$711,544.51, had it not been for the heavy disbursement made in redemption of the funded arrears. The report of the Treasurer, for the fiscal year, which terminated on the first of December last, crowns the evidence of the solid and permanent character of the State's revenues.

The balance in the Treasury, on the first day of December last, was \$250,957.72; of which, \$171,030.49 were applicable to future demands. During the fiscal year, 1851, \$680,077.83 were paid to interest on the public debt; \$133,712.82 in final liquidation of the funded arrears; \$116,211.44 to the purchase of 5 per cent. Sterling bonds of the State, from the Baltimore and Ohio Rail Road Company, for the use of the sinking fund; and \$295,716.06, for all other purposes. If we add, to the clear balance above stated, the two amounts severally appropriated, to the payment of the funded arrears, and to the augmentation of the sinking fund, we will find an aggregate surplus of \$420,954.75, after

discharging the interest due, and all other demands. Omitting the amount placed to the credit of the sinking fund, and taking only the sum paid to the funded arrears, together with the nett balance, we still find a surplus of \$304,743.31. I have the gratification to inform you that, the funded arrears have, now, all been paid. I can, therefore, claim the sum of \$304,743.31 as a fair index to the clear annual balance, over and above current interest, and general charges. Indeed, I may claim the other exhibit (of \$420,954.75,) as the correct indication, given by the past fiscal year, of the financial abilities of the State; because, I shall, hereafter, call your attention to the capabilities of the sinking fund, in itself; even, if left unaided by the general revenues. You will perceive that, the annual balances, hereinbefore exhibited, vary in amount. This is attributable to causes, which will be very apparent, upon a full examination of the Reports of the Treasurer, for the years referred to. In one year, the proportion of direct taxes received is greater, than in another. So, the general expenditures fluctuate, according to circumstances, and in consequence of the inequality of the appropriations, made at the different sessions of the General Assembly. It would be utterly impossible for me to analyze those causes, without extending this communication to an inexcusable length. We can gather enough, from generalization, to enable us to attain a reliable conclusion. Thus:—the aggregate of clear balances, in the Treasury, for the five years last past, was \$1,318,008.65. The annual average, consequently, was \$263,601.73. Within that period, also, the whole current interest, as it accrued yearly, and all general demands, were promptly met; and *nearly nine hundred thousand dollars of funded and unfunded arrears entirely liquidated*. In the year just closed, the sum of \$116,211.44 was, likewise, carried to the credit of the sinking fund. These exhibits are equal to mathematical demonstrations; and cannot be controverted. The only question, is, can we look, with confidence, to similar results, for the next five, ten, fifteen years? Why not? In the last five years, all ordinary and extraordinary demands have been met; the annually accruing interest on the principal debt has been discharged; and over one million of dollars have been paid to the funded and unfunded arrears, and the sinking fund. Have we reason to apprehend a falling off, in the future receipts from the Internal Improvement Companies? I think not. Those Companies paid to the State, (for interest and cash dividends,) in 1847, \$182,353.46; in 1848, \$160,783.21; in 1849, \$261,569.77; in 1850, \$243,090.30; and, in 1851, \$254,015.77. From which, it appears that, the aggregate amount received, in the last three years, exceeds, by the sum of \$415,439.17, the aggregate amount received in the two preceeding years. Is there any just cause to fear a reduction in the receipts, hereafter, from the various sources of the indirect revenue, other than the Internal Improvement Companies? I can see none. Those revenues flow, mainly, from the

inexhaustible and ever-enlarging fountains of commerce. There should, certainly, be no reflux; but, on the contrary, a substantial reason cannot be assigned for a probable stagnation, within present limits. Every sign, now, indicates future expansion. If the estimates, which I have given, are to be relied upon, then the grave question is presented, as to the proper disposition, to be hereafter made, of these large annual balances in the Treasury. When the tax laws of March and December, 1841, were passed, was it contemplated to impose unnecessary burdens upon the people? No! When the comprehensive financial scheme, recommended by the Executive, in January, 1845, was adopted, did the Legislature propose to do more, than to restore the credit of the State, by the imposition of just such taxes, as were considered indispensable? I presume not. Was it ever a part of the avowed policy of the State that, the debt should be paid off, in eleven years from this date? It could not have been; for, the thing is impracticable; as, I shall endeavor to show. What is the debt of Maryland? And, when payable? The following table, (carefully prepared, and to which I respectfully call your attention,) will correctly answer:

Whole funded debt,	-	-	-	-	-	-	-	-	\$15,290,668.64
Amount thereof redeemable in 1890,	\$9,463,923.53								
“ “ “ “ 1889,	835,021.00								
“ “ “ “ 1888,	35,000.00								
“ “ “ “ 1870,	3,000,000.00								
									<hr/>
									\$13,333,944.53
Amount thereof redeemable at different periods, up to the year									
1859,	-	-	-	-	-	-	-	-	1,956,724.11
									<hr/>
									\$15,290,668.64

It appears, then, that three millions of dollars (\$3,000,000) of the public debt are payable in 1870; and ten millions three hundred and thirty-three thousand nine hundred forty-four dollars and fifty-three cents (\$10,333,944.53) are payable in the years 1888, 1889 and 1890; whilst, less than two millions shall have matured, by the year 1859. Of the \$1,956,724.11, a debt of \$30,000 (contracted for the Penitentiary) fell due in 1842. The entire residue of that amount became, and will become due, at different periods, between the years 1846 and 1859; excepting \$174,000, redeemable at pleasure. The bonds, due at stated periods, cannot be called in, at the pleasure of the State. Neither, will the holders of bonds be anxious to lose so safe an investment, by having them paid, even at maturity. How, then, is the debt to be paid, before the maturity of the bonds? Will you send Maryland into the market, as a stock-jobber, to speculate in her own securities? She has agreed to pay one hundred cents in the dollar, *when due*.

Shall she appear on 'Change, loaded with the gold of a tax-ridden People, to pay a premium on her own paper? If, at the expiration of fifteen years, the money is to be in hand, will not her bonds appreciate, to the highest point? Why are the stocks of the Federal Government worth thirteen per centum more, than those of Maryland? Simply, because of the supposed difference in the relative financial ability of the two Governments. Will not the credit of Maryland, annually strengthen, as her sinking fund accumulates, and the main debt is reduced, by the purchase of the State bonds? And, must she not, therefore, (besides paying her debt, before the time agreed upon,) actually pay more, than was contracted for? Every dollar, which she would pay, as a premium on her bonds, would be, in fact, a bonus, for the privilege of anticipating her obligations. What private Capitalist would cancel his liabilities, upon such a princely scale? Then, again; to whose wisdom and experience, is this vast and delicate financial operation to be committed? Not to the Legislature; which will only meet biennially. And, certainly, it should not be to any other Department of the Government; where there can be no restraint, but the imperfect regulations of general laws. If, however, Maryland is not to be sent, as a speculator, into the market, to purchase her immature bonds, at constantly enhancing prices, then, how is this immense amount (adequate to the payment of the entire debt, in twelve or fifteen years,) to be invested, from year to year, during that period? It cannot lie in the Treasury. It must produce and reproduce, increment upon increment; and, that can only be accomplished, by the compounding of interest. What shall it be invested in, within those twelve or fifteen years? Not Bank stock, I hope! Maryland now owns over a half million of dollars worth of that uncertain species of property. That is quite sufficient, for an experiment. Where, then, are the channels, into which this vast annual income is to be poured? Shall it be invested in the stocks of the Federal Government; or, the reliable securities of other States? Then, I protest against sending Maryland, into the market, to *buy and sell*. If She purchases foreign stocks, it must not be, as a Stock Jobber, to watch the turns of exchange, and to sell out, on speculation; it must be, to hold on to her purchases, as a *permanent investment*, for the payment of her debt. Then, what is the result? For example: She will buy the 6 per cent. stock of the General Government, redeemable in 1867 and '68,—say, at sixteen per cent. premium. It is, now, worth that, in the New York market. A table of quotations, which I have recently examined, shows, that, between the 1st of January, and the 1st of December, 1851, it ranged from fifteen to seventeen and a half per cent., advance. But, remember, the National Stocks will have all matured, long before the period at which the great bulk of the debt of Maryland is redeemable; and, then, of course, they must go down, nearly,

or quite *to par* ; and, Maryland must lose the premium ; or, *about one million of dollars in six !* She must, therefore, become a Stock Broker, and sell out, as fast as the stocks, which She has purchased, approach maturity ; or, She must suffer enormous losses, merely for the imbecile pleasure of accumulating a vast fund, twenty-five years before her debt falls due. How far it is desirable that, She should become a Speculator in the stocks of other States, you will, no doubt, fully appreciate. And, you will, also, perceive, that, the same losses (*with a greatly increased risk,*) might be regarded as inevitable.

I am well aware that, these same difficulties must apply, in all their force, to the re-investments of the sinking fund. And, for that very reason, amongst others, I am not for aggravating the evil, by the accumulation of unnecessary masses of capital, within short periods. I think that, such a policy is not consistent with the spirit of a democratic Government. Overflowing Treasuries are the sources of much evil. Public credit, necessary revenues, and strict accountability, constitute the full measure of the Republican Economy of Finance. Moreover ; even, if the debt could be paid, only dollar for dollar, and without risk, at the expiration of ten years, or, twenty years ; still, I should feel constrained to oppose it, upon the clearest grounds of justice. If the huge debt, under which the State labors, had been proven to be a hopeless sacrifice, I would cheerfully admit that, the generation, by whose improvidence it had been contracted, should pay the last farthing of it. But, I can never concede, that, one generation is under any obligation whatever, to pay the entire cost of great and permanent Works, the benefits of which will descend to posterity, for centuries. There is, in my judgment, but one question to be answered ; and that is : can the taxes of the people be reduced, without danger to the credit of the State, and without impairing her certain ability to pay the debt, when due ? If not ; then, I am opposed to the reduction of a dollar. I have taken some pains, to place before you a complete view of the past and present financial operations of the State ; from which, you may form a judgment of the future. It is important, here, that I should call your attention to the fact, that the sinking fund, at the close of the fiscal year, 1851, amounted to \$2,253,796.67. Without adding one dollar to that fund, from the general revenues, it will, by even the annual compounding of its own interest, (which is now re-invested quarterly,) reach the sum of \$4,507,593.34 in less than twelve years, from this date ; \$9,015,186.68, in less than twenty-four years ; and \$18,030,373.36, in less than thirty-six years ; which latter sum will stand to the credit of State, in the year 1888 ; or, two years before the great bulk of the public debt (amounting to \$9,463,923.53,) falls due. Of course, in this calculation, must be taken into account the liquidation of the bonds (to the value of \$3,000,000,) which mature in 1870 ; and, which

must be met by the sinking fund. At that time, the sinking fund, by its own unaided accretions, will have reached about six and a half millions of dollars. This interruption in the regular ratio of compounding, (upon the entire fund, as it now stands,) will be more than counter-balanced, by the additions made to the fund, from time to time, out of the annual balances accruing from the general revenues; as, I have before shown. For this purpose, as well as to guard against the uncertain fluctuations of the money market, *a reasonable margin should always be preserved*, beyond the apparent annual wants of the Treasury. If this policy is managed with skill and caution, I can see no possible danger, to result from an immediate grant of relief to the Tax-payers. The condition of the finances fully justifies this recommendation. Another objection, however, of altogether a different character, has been urged against any interference with the present rate of taxation. It is an argument addressed to the fears of the timid and unbelieving. It is said, that, if we once open the way to the reduction of the taxes, we know not when, and how far, we shall be hurried along, by popular clamor for more relief. I have only to say, in reply to this suggestion, that, if the People of Maryland determine not to pay their public debt, Laws and Tax-gatherers cannot compel them to do so. The public debt has rested, from the beginning, and must ever continue to rest, exclusively, upon the honor, integrity and pride of the Citizens of Maryland. The Legislature merely reflects their sentiments, and obeys their will. Now, who can be made to believe, that, relief from unnecessary burdens will result in repudiation? Who can understand, or trust, that philosophy of human nature, which teaches that, a people, who have submitted, cheerfully, and for a long time, to the most oppressive taxes, will begin to grow less honest, just as they begin to experience the consolations of a change for the better? Avoid rash legislation. Commence gradually. Measure the way before you. *Let there be no hasty step taken, which may have to be retraced, hereafter.* And, then, what is there to fear? Absolutely, nothing. I advise, therefore, a reduction of twenty per cent. on the direct tax; which will take, from the burdens of the People, \$95,944.18; upon the basis of the assessment for 1851. The first tax law, passed at the March session, 1841, levied twenty cents in the hundred dollars. This being found to be insufficient, five cents, in the hundred dollars, were added by the act of December session, 1841. I propose the repeal of that law.

I would further advise, as a measure of equity and right, the total repeal of the Stamp Tax; excepting, in so far as it operates upon lottery tickets. This is, in my opinion, the most unequal revenue law upon the Statute Book. It was argued that, this law would intercept, and tax a large floating capital, which, otherwise, might escape the vigilance of the Treasury. The re-invested increments of Capital, it was said, would, thus, be sub-

jected to taxation, in one form, even should they escape direct assessment. But, how has it operated, practically? The Farmer, who gives his note for a balance of purchase money, pays the stamp tax. The Merchant, who negotiates a note in Bank, to enable him to lay in stock, pays the stamp tax. The very Capitalist, who adds his yearly interest to a swollen fortune, requires that, the needy borrower shall pay the stamp tax. Who, then, is taxed? Not the one, who sells the farm; not the Bank; not the money-lender; but, emphatically, the man, who is least able, and ought not to pay it. The thirteenth Article of the Declaration of Rights lays down the correct principle of taxation, when it enjoins that, "every person, holding property in the State, ought to contribute his proportion of public taxes, for the support of Government, *according to his actual worth, in real and personal property.*" Is credit property? What right has the State to tax the credit of the Citizen? Although, the stamp law professes to tax the money loaned, or the evidence of debt, still, we know that, in fact, it is a tax upon the privilege of borrowing. It does not tax property; but, *the want of it.* It does not fall upon him, who "holds property in the State;" but, upon him, who is striving, by honest labor and meritorious credit, to become a property holder, in the State. No man can deny this. Then, the law must be pronounced to be unequal, and repugnant to the Declaration of Rights. I am well aware that, efforts will be made to create a prejudice against this recommendation. It will be said, (especially by interested Capitalists, who would, of course, prefer a further proportionate reduction of the direct tax, which they feel;) that, this is a measure of relief intended for the mercantile community; and, that, Baltimore City will derive the principal advantage, from a repeal of this law. Suppose that, she does! Who has a better right to be relieved? Do not the broad shoulders of that noble City now bear up more than one-third of the whole burden of the State? Does she not, now, pay over a third of the direct taxes of Maryland? Does she not contribute, in a much larger proportion, to the indirect revenues? Has her great Public Work, the Baltimore and Ohio Rail Road, ever taxed the State, one dollar? Is she not generously, and uncomplainingly, expending her treasure, to pay the annual interest on ten millions of dollars, invested in the Chesapeake and Ohio Canal, the eastern terminus of which, even now, threatens to take from her the vast mineral wealth of Western Maryland, and to pour it into the lap of a foreign City? And, what just man will begrudge relief to the great mercantile community, in Cities or Counties, whose enterprize has contributed, in so great a degree, to the power and the resources of Maryland? If, therefore, it was true, that, Baltimore City, and the Merchants of the State, would alone be benefited, I would, nevertheless, recommend the measure; because, it is just. But, this is not so. All classes will be benefited. The Farmer can-

not attend a sale of stock, without his supply of stamps. Every Mechanic, who buys upon time, because he sells upon credit, has, likewise, had his dearly bought experience of this law. Of the \$53,397.79, which accrued from this tax, in 1851, \$12,501.32 were collected in the Counties. To that amount, therefore, the Counties are interested, in the repeal of the law. These two measures will take the aggregate sum of \$149,341.97, annually, from the burdens of the People; assuming the exhibits of the last fiscal year, as the basis of the calculation. The Treasurer estimates the receipts, for the current year, at \$1,285,022.72; and, the expenditures, at \$913,575.35; which would show a balance of \$371,447.37. Add to this balance, the *clear* surplus of \$171,030.49, in the Treasury, as of the first of December last, and you will have, at the end of the present fiscal year, an uncharged surplus of \$542,477.86. Subtract from this, the proposed reduction of taxes, (\$149,341.97,) and there will still remain the large balance of \$393,135.89, at the close of this fiscal year; if, the Treasurer's estimates be correct. That they must be very nearly so, the accuracy of his past reports abundantly demonstrates. Will not that sum be a sufficient margin, to meet extraordinary demands, and to guard against a pressure in the money market? I think so. Let it be no encouragement, however, to extravagant legislation, Gentlemen. In times of prosperity, we should husband our means, to be well prepared for possible reverses. I have endeavored to be brief, in laying open to you the financial condition of the State. Yet, as you have perceived, I have, unhesitatingly, sacrificed both your patience and my ease, wherever I deemed it necessary, for a full and clear exposition of the several branches of this important question of public policy. I most sincerely hope that, in your superior wisdom, you may devise some plan for the relief of the People, without endangering, in the remotest degree, the high honor of our beloved State. I commit the subject to your mature deliberation.

I recommend a re-assessment of the property of the State. The original tax law, of 1841, was framed, upon a supposed assessable basis of three hundred millions. This mistake, doubtlessly, originated in the erroneous estimates of the National Census of 1840. The actual results of the assessment disclosed an aggregate of taxable property in the State, to the value of only \$196,751,144.98. This basis has constantly fluctuated, from year to year; and the assessment, as given in the last report of the Treasurer, for the year just ended, is, absolutely, *less*, than it was in 1841; being, now, only \$191,888,088. It is absurd to suppose that, the wealth of the State has diminished, in ten years; when, its population has so largely increased. On the contrary, it is morally certain that, it has been greatly augmented. There are two heavy grievances, involved in this matter. The first is, the very unequal distribution of the burdens of taxation; and, the

next is, that, the rich escape, whilst the poor do not. The Capitalist, who compounds his surplus of interest, every year, may, or may not be honest enough to make a voluntary return of, and pay the tax upon it. Whereas, the small land-holder, the mechanic, and the trader cannot, (even if he has the disposition to,) conceal the true value of his estate. The accounts of an Executor not unfrequently exhibit a much larger amount of property, than was to be found upon the assessment, in the lifetime of the Testator. I have no doubt, but that, a re-assessment would add, considerably, to the taxable basis. Unless I am much mistaken, it would enable you, in a short time, to commence a progressive reduction in the rate of taxes; the benefit of which would be felt, equally, by all.

Shortly after my induction into office, Mr. James S. Mitchell, a Citizen of Cecil County, in this State, informed me that, the Grand Jury of Philadelphia City and County, had found a bill of indictment against him, on a charge of kidnapping; and, that, he had reason to apprehend that, the Governor of Pennsylvania would demand him, under a requisition. He stated to me that, about the year 1845, a negro woman, his slave for life, had made her escape into Pennsylvania—that, during her absence, as a fugitive from his service, she had given birth to an illegitimate male child—that, he had recently, through the instrumentality of Agents, residing in Pennsylvania, succeeded in apprehending the woman, who, together with the child, had been delivered to him, at Elkton, in Cecil County—that, the crime alleged was, the taking of the child alone—and, finally, that, he himself had never been personally present, within the jurisdiction of Pennsylvania, in connection with the arrest or removal of either of the parties. I replied to Mr. Mitchell that, it was quite clear, first, that, the child of his slave, even though born during the period of her absconding, was his property, by the law of Maryland; for taking which, he could not be punished by the laws of any other State, without a manifest violation of the Federal Constitution; and secondly, that, not having been personally engaged, within the jurisdiction of Pennsylvania, in the perpetration of the act, whether criminal or not, he could not be demanded, as a fugitive from her justice. But, I expressed to him a doubt, as to my power, under the Federal Constitution, to go behind the requisition of the Governor of Pennsylvania, if the record, by a suppression of the real facts, should present a *prima facie* case of alleged kidnapping. I assured him, however, that this preliminary question should be carefully considered; and that, if decided affirmatively, I would certainly shield him from a requisition, after having first been fully satisfied, by competent proof, under oath, that his statement of the facts was true. On the first day of March last, I received the requisition of His Excellency, the Governor of Pennsylvania, as had been anticipated. The case was immediately referred to the Attorney General, for his legal opinion. Upon a most elaborate and exceedingly able review of the law and authorities, he gave it, as his decided opinion, that I had the power to

go behind the requisition, and examine into the true merits of the case, in such mode as might appear proper, in my judgment. I, thereupon, addressed to His Excellency, the Governor of Pennsylvania, a communication, setting forth the views, entertained by me, both of the law and the facts; and I enclosed to him a copy of the written opinion of the Attorney General. I stated to His Excellency that, a commission should immediately go out to take the required testimony; and that, if the statement made to me by Mr. Mitchell (which I communicated to his Excellency,) should be substantiated by competent proof, I would feel compelled respectfully to decline acting under the requisition. At the same time, I gave the assurance, that if, on the other hand, it should appear, that, Mr. Mitchell had violated the laws of Pennsylvania, by the perpetration of a recognized crime, and had afterwards fled from her jurisdiction, I would most cheerfully unite with His Excellency, in bringing him to justice. I accordingly appointed an officer of this Department the Commissioner, for the purpose designated; who, after due notice first given, proceeded to Elkton, and took the depositions of highly credible witnesses. This testimony clearly established the truth of Mr. Mitchell's statement, in each particular. Whereupon, I notified His Excellency, the Governor of Pennsylvania, that Mr. Mitchell could not be surrendered. I have given you a very brief statement of this important case, because, it will hereafter form a precedent, the extent and application of which cannot now be fully ascertained nor foreseen. The decisions of the Courts of Pennsylvania had declared the issue of fugitive slaves, born in that State, *to be free*, without regard to the law of the State, whence the fugitive may have fled. This principle I repudiated, as being in manifest contravention of the spirit and intendment of the Federal Constitution; which, by acknowledging the *fugitive condition*, in expressly providing for the arrest and extradition of fugitives from service, may be considered, by evident propriety of construction, as having recognized all incidental rights, growing out of the laws of the State, from which the slave may have escaped. Upon the other point, it has been decided that, no one can be demanded, as a fugitive from the justice of a State, unless he has been actually present, within its jurisdiction, engaged in the commission of the act charged.

The Constitutional Convention being in session, during the pendency of this case, manifested a very great interest in its result. After my decision became known, the Convention was pleased to express its approbation of my course, by resolutions unanimously passed. In one of those resolutions, I was requested to "instruct the Attorney General to cause such proceedings to be set on foot, as that, the case of said Agents (of Mitchell,) may be brought before the Supreme Court of the United States, for adjudication." Those Agents were George F. Alberti and James Frisby Price, both residents of the State of Pennsylvania; who had been previously tried and convicted, upon indictments similar to the one

found against Mr. Mitchell, and sentenced to a long term of confinement in the Penitentiary of that State. They are still there. It cannot be justly regarded as an unwarrantable interference with the affairs of another State, if I make some comments upon the case of these unfortunate men. If Mitchell was innocent of the commission of any crime against the law, in receiving, then certainly Alberti and Price were equally guiltless, in delivering to him the child of his fugitive slave. The rights of Mitchell, under the Federal Constitution, which is paramount to the laws of Pennsylvania, should have been a shield to his Agents. Moreover, it has been represented to me by one of the Counsel of Alberti and Price, that the child was not, in fact, born in Pennsylvania, but in New Jersey; which should have given additional strength to the defence, looking solely to the local adjudications, under which the parties were convicted. The all-sufficient defence, in morals, however, was, that those very agents, themselves, fearing to incur possible responsibilities, had repeatedly refused to take the child, with the mother; until, finally, overcome by the entreaties of the mother herself, they yielded to their feelings of benevolence, and assumed the risk, which has resulted in their severe and unmerited punishment. The evidence of this fact, as I am informed, was ruled out at the trial. I have had reliable assurances that, this entire proceeding met with the unqualified condemnation of many of the ablest and best men of the Philadelphia Bar; one of the most distinguished of whom has, recently, published a masterly review of the whole case, in consonance with the opinions here expressed. Thus, the unconstitutional decisions of the courts of Pennsylvania have prevailed. Unfortunately for the prisoners, the judgment cannot be carried up to the Supreme Court of the United States, for revision, in such a form, as to disclose the true merits of the case, and to elicit an adjudication of the important principle involved. If it could, I entertain no doubt, but that the learned Tribunal, to whose acknowledged wisdom our chartered liberties have been so largely entrusted, would expunge this illogical theory from the judicial reports of Pennsylvania. An appeal, as the case now stands, would carry up nothing but the record below; the indictment, the verdict, and the sentence. The indictment is in the ordinary form, setting forth none of the controlling facts. It does not appear, from its averments, that the boy, alleged to have been kidnapped, was the child of Mr. Mitchell's fugitive slave. On the contrary, he is described as free. Upon the indictment, therefore, the verdict and sentence would appear to stand justified. You will perceive, from the preceding remarks, that, however anxious I might be to comply with the request of the Convention, I nevertheless would have no means, at my command, to accomplish the ends proposed. In deference to their wishes, I instructed the Attorney General to proceed, at an early day, to the City of Philadelphia; and, there, to examine into, and report to me the facts of the case, with his advice as to the most judicious course to be pursued. He

has promptly and efficiently discharged the duty assigned him. It appears that, the case is beyond the reach of all existing legal remedies. The Legislature of Pennsylvania, alone, can lay the foundation for further proceedings. That Honorable Body can, and, I will respectfully add, should pass a law, authorizing a new trial, and a special verdict. Such a verdict, embodying the real facts, which govern the case, would disclose the true issue, on an appeal, to the Supreme Court of the United States, and, thereby, elicit a final adjudication of a constitutional question, in which Maryland, to a greater degree than all other States, is profoundly interested. With us, these issues are practical; whereas, with the South generally, they are matters of abstract principle. We are the actual sufferers; whilst, most of the Southern States are merely participants in the discussion. Pennsylvania owes it to Maryland, in courtesy and justice, to afford an opportunity for the settlement of this question. If the Supreme Court of the United States shall determine that, the decisions of the Courts of Pennsylvania are consistent with the Federal Constitution, the hardship may be endured. But, it cannot be borne with, upon the naked assumptions of the Judiciary of any one State.

On the 11th day of September last, Mr. Edward Gorsuch, a highly respectable citizen of Baltimore county, accompanied by several friends and relatives, and a deputy Marshal of the United States, went into the county of Lancaster, in the State of Pennsylvania, for the purpose of re-capturing four fugitive slaves, under the process, provided by the act of Congress, commonly known as the Fugitive Slave Law. Information had been, it appears, previously communicated to the people of that neighborhood, of the approach and intentions of the Marshal and his party. Shortly after their arrival, they were surrounded by armed bands of negroes, (numbering about one hundred and fifty,) who had been called together by a preconcerted signal. Three white Abolitionists were present, giving open countenance and encouragement to the mob. Finding that it was useless to attempt an arrest of the fugitives, the Marshal was already in the act of retreating, and had called upon his companions to follow him, when, with fierce yells and execrations, the infuriated rebels made an onslaught upon their peaceable and unresisting victims. Mr. Edward Gorsuch, the aged and venerable father, was killed, and his dead body was brutally insulted; whilst the son was left upon the field, as dead. When the news of this atrocious butchery, and rebellion against the laws of the land, reached Maryland, the people, and especially the community of which Mr. Gorsuch was a cherished member, manifested a great, and very natural degree of excitement. Private letters, and the resolutions of public meetings poured in upon me, calling for my Executive interposition with the Federal Authorities. My duty would have been apparent, in the absence of any appeal. I immediately addressed to the President of the United States such a communication, as the magnitude of the occasion seemed to de-

mand. His Excellency, through the Department of State, took an early opportunity to assure me of his deep abhorrence of the crime committed, and of his determination to exert the energies of the law to bring the offenders to justice, and to prevent similar occurrences in the future. Copies of this correspondence are herewith transmitted. Without designing to exhibit the least want of confidence in the will and power of the officers of the General Government to make good the assurances given by the President, I determined, nevertheless, that Maryland should not be an idle spectator of such proceedings as might be instituted by the Federal Authorities. The blood of a Marylander cried out from the earth; whilst, the Genius of this Union called aloud for a vindication of outraged laws, upon the faithful observance of which alone it can rest. I anticipated, and it soon became apparent, that, the flame of excitement would spread from the hills of Maryland to the savannahs of the extreme South; until every southern State would unite in one common feeling of horror and indignation. To see justice done, and to guard against disastrous results, were now the two main objects of my solicitude. Experience has shown to every man, that, the guilty may occasionally escape justice, without culpable design or neglect on the part of its administrators. Courts, Juries, and Counsel may be pure and firm; yet, the evidence may fail, or the law prove insufficient. In view of such a possible contingency, I felt the importance of placing myself in a position to be able to satisfy the people of Maryland, and other Southern States, that, the failure to convict the Christiana rebels was not to be taken as proof of the negligence, apathy, or prejudice of Northern Judges and Jurors. Therefore, I determined to send the Attorney General of Maryland, either as a participant in, or witness of the prosecutions. His high personal character, acknowledged ability, and official station, would, I well knew, command the respect and confidence of all. His report could not fail to give a proper direction to public sentiment. Upon his testimony, the people of Maryland, and the South, would rest contented, even though the trials might result in the acquittal of the murderers, if he vouched for the fairness and impartiality of the proceedings. In the absence of such reliable testimony, I was aware that, an acquittal would be regarded, here, as *prima facie* evidence of the triumph of a corrupt fanaticism. Such was the very evident prospect before me, when I resolved upon my course. I, accordingly, instructed the Attorney General to attend the preliminary investigation, held at Lancaster, before Alderman Reigart, (whose firm and noble bearing entitles him to the respect of every honorable and patriotic citizen;) and, to report the result to me. He did so. As soon as I ascertained that, the criminals had been arrested and held for trial, upon a charge of high treason against the United States, I further instructed the Attorney General to apply for permission to participate in the prosecution; and, in the event of a refusal, then to be present at the trials, and report the proceedings

to me. The application was readily acceded to, by the Federal Government. I likewise employed the Hon. James Cooper, (United States Senator from Pennsylvania, a distinguished lawyer and statesman, and a friend of constitutional right,) as assistant counsel. Thus represented, Maryland made her appearance at the bar of the public justice of the United States, and before a Pennsylvania Jury: claiming, not the worthless breath of individual traitors, but the vindication of the chartered rights of the South, which had been trampled down in the blood of her own citizens. Maryland stood there, and plead for the Constitution, through the wounds of her murdered son. The result is before us. The peace-loving, the Union-loving, the law-abiding State of Maryland has failed to secure justice. Although, she is a border State, and is, practically, more interested in this fugitive slave law, than all other States beside, nevertheless has she admonished South Carolina against secession, and cheered on Virginia in the ways of loyalty. . Although, she would never have entered this Confederacy, (as every instructed man well knows,) without the insertion in the Federal Constitution of the very clause, for the enforcement of which the fugitive slave law was passed, nevertheless, has she patiently, and almost uncomplainingly, stood by, and witnessed the treasonable assaults upon the Constitution, made by Abolitionists, in and out of Congress. When Kennedy was murdered, she was passive. When Gorsuch was murdered, she spoke, through her Executive only. She has been mild as the dove, and gentle as the lamb. How far She is to become the derision of her sister States, it will be for you, gentlemen, to determine. I do not hesitate, nay, it is my sworn duty to speak the truth to you, and to say, that, the trial of Castner Hanway was a farce, which only added new insult to old injury. The offensive manner in which that trial was conducted, by subaltern officers, the manifestations of the rebel sympathizers, and the extraordinary decision of the Court, will more fully appear to you, by reference to the lucid and powerful report of the Attorney General, herewith transmitted. This judicial exposition of the law of treason, as applied in Hanway's case, utterly annihilates the fugitive slave act, if there was ever anything of substance in it susceptible of annihilation. It lays down the extraordinary doctrines that, the criminal must be shown to have had actual knowledge of the law, which he has violated, before he can be declared guilty of treason; and that, the fugitive slave act is a private remedy, and not in the nature of a public general law, armed resistance to which would amount to levying war against the Government. These are the practical deductions from the charge of Judge Grier; and will apply to all other probable cases, as well as to that of Hanway. I state them broadly, as they may certainly be expected to operate hereafter. If Hanway's offence was not treason, then, no resistance to the fugitive slave act, henceforth, can be brought within the law of treason. Any one must see, at a single glance, that, if this decision stands, the fugitive slave act is a mocke-

ry and a delusion. If this be the law, then, why were those trials undertaken? *Cui bono?* Was it to smooth over an unprecedented outrage with soft phraseologies, and the formalities of legal routine? This cannot be supposed. It is proper here to remark that, the Jurors stand blameless, because the charge of the Court prohibited a conviction. Neither will I question the integrity of the Judges, by ascribing to them any but the most correct motives, however fallacious their decision may be, through which the blood of Gorsuch has gone unrecognized, and the Constitution of the country unvindicated. That decision has closed the doors of the United States' Courts; and the violaters of the law have gone back to Lancaster county, to answer the charge of murder, before Juries of their own neighborhood, and the Judges of their own local tribunals. How far Pennsylvania may yet succeed in wiping from her ancient escutcheon the foul dishonor, I shall not venture to predict. But, it is time, Representatives of Maryland, that you should make it known, by positive measures, that the blood of your constituents shall not be shed by mobs, in the face of the sun, and the Constitution of your fathers, without a justification, or a remedy. You should leave no lawful and constitutional power unused, to bring home to recreant States the force of your displeasure. Although a decided majority of the people of Pennsylvania may be, and doubtlessly are, in favor of the right; yet, they will be held accountable for the treason and murders perpetrated by their fanatics, whose lawless violence they fail to suppress or punish. No people can plead innocence, who stand by as passive spectators of crimes committed within their jurisdiction. They are bound to enforce the right; else, we hold them guilty of the wrong. Let that Commonwealth be distinctly given to understand that, henceforth, words will give place to acts. You owe it to your honor; it is necessary to your peace; it is essential to your domestic security. Heretofore, the cry of "*peace, peace, when there is no peace,*" has had the effect to embolden your assailants; who have learned to believe that, your indignant denunciations are mere occasional explosions of light wrath,—mere elevations of the "*Southern safety-valve,*" as they have insultingly termed it. Beware, that your State does not become a mockery! Remember, that of all the bitter curses, which can afflict nations, a border warfare is the most direful. Consider the likelihood of that result, springing from the exasperated feelings of friends, relatives, and neighbors, when they gaze upon the mangled remains of such men as Edward Gorsuch, who may hereafter be butchered, as he was, in the exercise of a Constitutional Right. Do not shut your eyes to the pregnant truth that, human reason will master human passions, only so long as Hope points to relief by lawful means. Firmness, now, is patriotism. Candor, now, is wisdom. It may be too late, hereafter. With an abiding confidence, in the mercy of Providence, whose fatherly eye hath watched over the infancy of this Republic, I commit to your prudent counsels this momentous sub-

ject. Happily, most happily, the North and the South have spoken out, in favor of the Constitution as the basis of the Union. Great Constitutional victories have been achieved, through the peaceful agency of the ballot-box, in Georgia, Michigan, New Hampshire, Pennsylvania, Mississippi, and even South Carolina, where the flame of agitation blazed highest. Yet, even in Georgia and Mississippi, the last ground has been taken. Such leaders, as the Southern Union party were proud to follow, in the recent embittered contest, have unanimously sent forth the word of caution to the North. Let us sincerely hope that the voices of patriotic men, who have encountered much, suffered much, and accomplished everything, may not fall upon unwilling or deluded ears. Shall domestic feuds destroy our power, when the eyes of all nations are turned to the star of our empire, as the harbinger of their deliverance? Shall Kossuth blast Hungary with the breath of our discord? Shall O'Brien, in his lonely exile, see the hope of Ireland pass down the horizon, with the western sun? May so incalculable a calamity be spared to the nations of the earth. And yet, when, American blood is made to flow upon American soil, as a grateful libation to American fanaticism; when, whole communities stand listlessly by, and a prostituted press and venal politicians are found, in the open day, to glory in the human sacrifice; when, the Law proclaims its own weakness from the Bench, and Treason stalks unpunished, through the halls of Justice; the Nations can judge of the probable remoteness of that calamity.

I cannot close this brief review of the Christiana treason, without paying a richly merited tribute to the distinguished Attorney General of Maryland. The great zeal, prudence, energy, and ability, displayed by him, in the trying scenes, through which he has lately passed, cannot fail to command your respect. The moral firmness exhibited, and the efficient services rendered by the Hon. Mr. Cooper, will, also, receive, as they deserve, your cordial approbation. When you shall have examined the voluminous report of the proceedings at the trial of Hanway, taken, under the supervision of Counsel, by my orders, (a printed copy of which is herewith transmitted,) and, likewise, the complete review of the law and the facts by the Attorney General himself, to which I have already referred, you will be better able to form a just estimate of the labors and services of those distinguished gentlemen.

Immediately after my entrance into office, my attention was attracted to an important matter, in which the City of Baltimore and the State of Maryland are deeply interested. You are aware that, the late John McDonough, of New Orleans, in the State of Louisiana, died possessed of an immense estate, the great bulk of which he bequeathed to the Cities of Baltimore and New Orleans, for charitable and educational purposes. The provision made by him, for his heirs, at law, was proportionably insignificant. From a correspondence, which had recently been opened between this Department and one of the Counsel for absent heirs, appoint-

ed by the fifth District Court of New Orleans, and from other sources, I learned that the heirs, at law, had manifested a determination to assail the will of McDonough, upon the broad principles, that the conditions and limitations, annexed to the bequest, were not only impracticable in themselves, but were in direct contravention of public policy. It is not necessary, here, to enter more fully into the details of the will, upon which the opinion of its invalidity was predicated. I was notified that, the State of Louisiana, looking to, and anticipating the threatened action of the heirs at law, had taken initiative proceedings in her State Courts, which thereby had obtained complete jurisdiction of the case, to the exclusion of the Federal tribunals, into which the expected suit of the heirs would have carried her, had it been first instituted. The importance of this movement, on the part of Louisiana, was evident. Had the case been entered in the United States Courts, no one could have foreseen the period of its termination, nor the cost of its prosecution. Moreover, the jurisprudence of Louisiana being, mainly, derived from the civil law, and resting principally upon Roman, French, and Spanish authorities, and the decisions of her Supreme Court, her Judiciary was the proper tribunal, before which to try the issues involved in the case. The interest of Louisiana and Maryland is contingent only, under the will of McDonough. If the legacies to Baltimore and New Orleans should lapse, from any cause, then, it is provided, in the will, that, Maryland and Louisiana shall, as residuary legatees, severally take them, to be held in trust for the purposes contemplated by the Testator, in the bequest to the Cities. After a careful consideration of the will, and in view of the opinions of able Counsel, upon which the State of Louisiana had already acted, I felt justified in entertaining doubts, as to the capacity of the Cities to take the legacies; for the causes hereinbefore assigned. Although, I had not formed a settled opinion, nevertheless, I considered that, even a reasonable doubt imperatively called for my immediate action, in the premises; the Legislature not being then in session, to whose superior wisdom the matter could be referred. I regarded the intervention of the claims of Maryland as necessary to insure, *absolutely*, the protection of the estate against the suit of the heirs at law. If the Cities, which are the first legatees, can take at all, it must be, by the strength of their own title, upon the face of the will. It must be, because the conditions and limitations are practicable, and not in violation of public policy. It is, therefore, utterly immaterial, so far as their chance of success is concerned, who else may be a party claimant upon the record. If McDonough had created no residuary legatees, and had left no heirs at law, the invalidity of the will might simply have worked an escheat to the State of Louisiana. Therefore, the appearance of Maryland and Louisiana, as litigants, can, in no wise, prejudice the rights or interests of the Cities; between which, and the

heirs at law, the real issue now exists, even though the States should ultimately be successful. As the objections, (if sustained,) which apply to the right of the Cities to take the legacies, cannot be extended to the States; and, as the States are next in interest to the Cities, under the will; it follows that, the heirs at law, if successful as against the Cities, must then encounter the still more formidable claims of the States. Now, the very simple deduction, from these several premises, is, would it not have been folly to have suffered the States to stand aside, and trust the vast property, involved in this controversy, to a single issue between the Cities and the heirs? I thought so; and, accordingly, I resolved to make Maryland a party to the proceedings, instituted by Louisiana. For that purpose, I employed Messrs. Elmore and King, two distinguished lawyers, resident in New Orleans; who were, already, associated with the Attorney General of Louisiana, as of Counsel for that State, in the same case. I will take this occasion to say, that, my reason for employing Counsel, resident at New Orleans, was, that the case might be the more promptly, uninterruptedly, and economically attended to. In the letter of instructions, bearing date the 21st of January, 1851, addressed by the Secretary of State, under my directions, to Messrs. Elmore and King, they are expressly advised of the policy above set forth; and instructed, as to the reasons, which have placed Maryland upon the record. They are, also, notified that, the question of compensation for their professional services would be submitted to your action; and, that, the Executive would not assume authority to enter into any contract, relative thereto. They have very generously and confidently consented to abide by your decision. Article II., section 21, of the present Constitution, makes it necessary that services of Counsel, employed by the Governor, shall have been performed, before the Legislature can allow compensation. This case not having yet been determined by the Supreme Court of Louisiana, before which it has been carried, no appropriation, for that purpose, is now asked for. I, however, recommend the passage of a resolution, ratifying the appointment of the Counsel employed by me; and, giving the sanction of the State, in a more complete and formal manner, to the proceedings heretofore taken, by my authority. This precaution is important, upon legal grounds, which it is not advisable here to enumerate.

I have received, and herewith transmit to you, the Report of the Board of Directors of the Maryland Penitentiary. It is an unusually able and interesting document; and, deserves your careful consideration. You will find that, owing to causes therein detailed, it is shown to be impossible to sustain that Institution, solely by its own unaided resources. Its condition, (as contrasted with that of most other Prisons, in this Country,) is really prosperous; and, reflects credit upon those, who have charge of its varied and embarrassing operations. The present policy of the law, is, that,

the Penitentiary shall maintain itself. Experience has demonstrated the impracticability of such a design. It is asking more, than most other similar Institutions, elsewhere, have ever been required to perform. The Board suggests two modes of relief. Either, that the salaries of officers be charged upon the State Treasury; or, that a permanent appropriation be granted, of an amount certain, for each year, sufficient to cover the estimated annual deficit, as shown by past experience; and that, it may be made payable in advance. The former mode is preferred by the Board, as a financial measure. Should it be adopted, it is then proposed that, the Institution shall account, annually, to the Treasury of the State, for the nett profits. In either case, the actual contribution, by the State, would not exceed, yearly, the sum of ten thousand dollars. If this system is to be established, it will be necessary, first, to clear the Institution of its present liabilities; in order that, it may start, a-new, unencumbered by old embarrassments. The Report assures us that, in consequence of repeated financial difficulties, the Institution has been compelled to purchase manufacturing material, upon long credits, (at the highest prices, therefore,) and to incur heavy discounts, for the use of money; occasioning an aggregate loss, in the last twelve years, which "*would more than pay the aggregate deficiency of the last four years.*" It is absolutely indispensable that, something should be done. It is worse than useless, to make irregular appropriations, after the mischief has been effected, and all the losses have been sustained. Whatever may be the aid, which you determine to grant, let it be opportune and systematic.

It is a source of great gratification, to me, to have it in my power to inform you that, the corner-stone of the House of Refuge, for Juvenile Delinquents, has, at length, been laid. The work has been commenced; and, we may hope to see, before very long, this Noble Charity lift its head, in our midst. To reclaim men from vice, is a higher obligation, than to punish them for their crimes. And, what shall be said of the duty of a civilized and Christian State, in regard to the reformation of the young and the ignorant? If the State is the PARENT of all, shall not the soul of the Child, abandoned by her, cry out, from the dark depths of its iniquity, for retribution? That voice will not go unheeded! The Government, which builds Rail Roads, and digs Canals, cannot plead poverty, in answer to the moral and social necessities of the Governed. When millions of dollars are invested in Stocks; surely, thousands may be devoted to Virtue. If I thought it possible that, any man could be insensible to this view of the subject, I might speak of it, as a matter of political economy; and, show that, it is cheaper to reclaim a youth, than to pursue an expert villian, through life, to the gallows.

I, most earnestly, recommend this noble Institution to your fostering care and liberality.

In the past year, the sum of \$2.852.27 has been expended for the tuition of the Indigent Deaf and Dumb; and \$1000, for the tuition of the Indigent Blind. No applicant has been admitted within the year.

The State Agricultural Chemist has called my attention to the necessity of the establishment of a permanent Laboratory; and, the appointment of an Assistant. The great advantages, which have hitherto resulted, from the creation of this Agricultural Department, must command your admiration, and claim your further patronage. The application of scientific investigations to practical agriculture has produced the most salutary effects. I recommend to your most favorable consideration, the views presented, by the distinguished Gentleman, who so ably presides over this important branch of public policy.

I have received a number of resolutions, upon various subjects, sent to me by the Authorities of other States; which are herewith transmitted.

During the administration of my immediate Predecessor, the Board of Managers of the "Washington National Monument" presented to the State a piece of the Corner Stone of that noble testimonial to the FATHER OF HIS COUNTRY. I have placed it, in the State Library, subject to your orders.

I have, now, Gentlemen, discharged my duty. I have, perhaps, exhausted your patience; but, I have, by no means, exhausted my subjects. There are many things, which I desired to bring to your notice. The great length of this Communication, however, compels me to pass them over, for the present. I think, that, I have not occupied your attention with any matters unimportant to the interests of the State. I sincerely hope that, your legislation may conduce to the welfare of Maryland.

E. LOUIS LOWE.

Annapolis, Md., January 7th, 1852.

